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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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GULINO, ET AL.,

Plaintiffs,

96-CV-8414 (KMW)

ORDER

-against-

THE BOARD OF EDUCATION OF THE
CITY SCHOOL DISTRICT OF THE CITY
OF NEW YORK,

Defendant.

-----X
WOOD, U.S.D.J.:

On September 18, 2014, Dr. James Outtz, the Court-appointed neutral expert in this case, submitted a letter to the Court requesting assistance in a discovery dispute. Dr. Outtz requested data related to the ATS-W and the CST examinations from the State Education Department (“SED”) and Pearson. [ECF No. 498]. SED/Pearson objected to providing this information. [ECF No. 500].

The Court holds that Dr. Outtz’s request for this information is reasonable. SED/Pearson shall provide to Dr. Outtz the following information by October 30, 2014:

(1) Each applicant’s test score on the first attempt for the following examinations during the period from 2004 through 2014:¹

- Content Specialty Test;
- Elementary Assessment of Teaching Skills – Written;
- Secondary Assessment of Teaching Skills –Written; and

¹ Note that no identifying information about any applicant need be provided so long as all the test scores of each applicant are linked to that applicant via a code number or similar method.

- LAST-2.

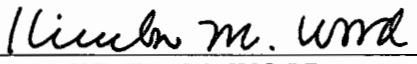
(2) Any documents produced by Pearson or SED that describe or discuss the performance (including pass/fail rates or raw test scores) of the following subgroups on the examinations listed above during the period from 2004 through 2014:

- American Indian or Alaskan Native
- Black Not of Hispanic Origin
- Asian or Pacific Islander
- Hispanic
- White not of Hispanic Origin

The Court expects that, per the Revised Supplemental Order of Confidentiality, [ECF No. 431], Dr. Outtz will be permitted to retain copies of this information during the length of this litigation, and will not be required to view this information solely at an SED/Pearson-designated space.

SO ORDERED.

Dated: New York, New York
October 16, 2014


KIMBA M. WOOD
United States District Judge